

United States District Court **FILED**

NORTHERN DISTRICT OF CALIFORNIA

JUN 5 2008

UNITED STATES OF AMERICA

Venue: San Francisco

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

V.

CRIMINAL COMPLAINT

JAIME SALCEDO-MENDOZA

a/k/a JULIAN MALLADO

a/k/a RICARDO ZUNIGA

ORIGINALCASE NUMBER: **3 08 70327**

I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about May 24, 2008 in San Mateo County, in the Northern District of California defendant(s) did,

OFFENSE: JAIME SALCEDO-MENDOZA (a/k/a RICARDO ZUNIGA and JULIAN MALLADO), an alien, after having been removed, excluded, and deported from the United States, was thereafter found in the United States without having obtained the express consent of the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission into the United States, in violation of Title 8 United States Code, Section(s) 1326.

I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:
Official Title

SEE ATTACHED AFFIDAVIT IN SUPPORT OF THIS COMPLAINT

PENALTIES: Imprisonment for not more than 10 years, a fine of not more than \$250,000.00, a \$100.00 dollar special assessment, and 3 years supervised release.

APPROVED AS TO FORM:


ASSISTANT UNITED STATES ATTORNEYContinued on the attached sheet and made a part hereof: ☒ Yes ☐ NoWarrant of Arrest Requested: ☐ Yes ☒ NoBail Amount: **NO BAIL**
Signature of Complainant

Sworn to before me and subscribed in my presence,

5 June 08 at San Francisco, California
Date City and State**Honorable Bernard Zimmerman**
United States Magistrate Judge

Name & Title of Judicial Officer


Signature of Judicial Officer

STATE AND NORTHERN DISTRICT OF CALIFORNIA)
) ss, AFFIDAVIT
CITY AND COUNTY OF SAN FRANCISCO)

I, Cesar J. Lopez, Deportation Officer, U.S. Immigration and Customs Enforcement (ICE), being duly sworn, depose and state:

I. INTRODUCTION AND PURPOSE OF AFFIDAVIT

1. This affidavit is submitted in support of a criminal complaint against JAIME SALCEDO-MENDOZA (a/k/a JULIAN MALLADO, a/k/a RICARDO ZUNIGA) for violating 8 U.S.C. § 1326. The facts set forth in this Affidavit are based on my review of SALCEDO-MENDOZA'S official Immigration file (No. A77 188 553), my personal observations, my training and experience, and where noted, information related to me by other law enforcement officials. However, the facts set forth in this Affidavit are not all facts related to SALCEDO-MENDOZA that I know.

II. AGENT'S BACKGROUND AND EXPERTISE

2. I have been a Deportation officer with the U.S. Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), formerly the U.S. Department of Justice (DOJ), Immigration and Naturalization Service (INS), for approximately 14 years. I am currently assigned to ICE's San Francisco, California office, and I am responsible for enforcing federal criminal statutes involving criminal aliens who reenter the United States illegally.

III. APPLICABLE LAW

3. Title 8 U.S.C. § 1326 provides criminal penalties for “any alien who . . . has been denied admission, excluded, deported, or removed or has departed the United States while an order of exclusion, deportation, or removal is outstanding, and thereafter enters, attempts to enter, or is at any time found in, the United States, unless (A) prior to his reembarkation at a place outside the United States or his application for admission from foreign contiguous territory, the Attorney General has expressly consented to such alien’s reapplying for admission; or (B) with respect to an alien previously denied admission and removed, unless such alien shall establish that he was not required to obtain such advance consent under this chapter or any prior Act”

IV. FACTS ESTABLISHING PROBABLE CAUSE

4. JAIME SALCEDO-MENDOZA (a/k/a JULIAN MALLADO, a/k/a RICARDO ZUNIGA) is a 30 year-old male who is a native and citizen of Mexico. SALCEDO-MENDOZA was deported from the United States to Mexico on February 12, 1999 and February 10, 2004. SALCEDO-MENDOZA last entered the United States illegally on February 22, 2008 by voluntarily crossing into California through the international border with Mexico by foot.

SALCEDO-MENDOZA knowingly remained in the United States without first having obtained the consent to reapply for admission from the Attorney General of the United States or the Secretary of the Department of Homeland Security.

5. The official Immigration file for SALCEDO-MENDOZA contains two executed Warrants of Removal. The Warrants of Removal are dated February 12, 1999 and February 10, 2004 the days that SALCEDO-MENDOZA was deported from the United States to Mexico. The official Immigration file for SALCEDO-MENDOZA also contains his criminal history. Between 1997 and today, SALCEDO-MENDOZA was convicted of six crimes.

6. On or about May 24, 2008, an ICE agent encountered SALCEDO-MENDOZA pursuant to his release from the San Mateo County Jail in Redwood City, California on unrelated charges. SALCEDO-MENDOZA stated that his name was Jaime Salcedo-Mendoza. Subsequently, the agent lodged an ICE detainer against him.

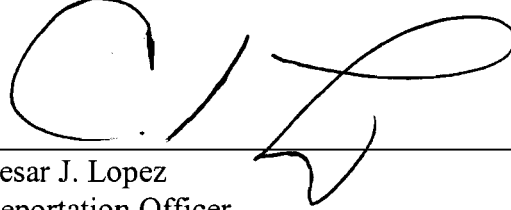
7. On May 29, 2008, Immigration Enforcement Agent Stanley Rili interviewed SALCEDO-MENDOZA at the ICE office in San Francisco, California. After SALCEDO-MENDOZA was advised of his Miranda rights and the right to speak with the consular or diplomatic officers of his country of citizenship, he admitted that his true name was JAIME SALCEDO-MENDOZA. SALCEDO-MENDOZA admitted that he was a citizen and national of Mexico and that he had been previously deported from the United States. He also admitted that he illegally reentered the United States on February 22, 2008.

8. On June 2, 2008, a full set of rolled fingerprints belonging to SALCEDO-MENDOZA was submitted to the Automated Fingerprint Identification Center, to verify his identity. The fingerprint examiner positively identified the fingerprint as belonging to SALCEDO-MENDOZA, who had previously been removed from the United States as referenced in ¶¶ 4-5.

9. There is no indication in ICE's official files that SALCEDO-MENDOZA has applied for or been granted the requisite permission to reenter the United States from either the Attorney General or the Secretary of the Department of Homeland Security.

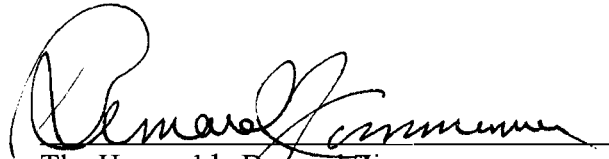
V. CONCLUSION

10. On the basis of the above information, I submit that probable cause exists to believe that JAIME SALCEDO-MENDOZA (a/k/a JULIAN MALLADO, a/k/a RICARDO ZUNIGA) illegally reentered the United States following deportation, in violation of 8 U.S.C. § 1326.



Cesar J. Lopez
Deportation Officer
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
San Francisco, California

Subscribed and sworn to before me this 5 day of June, 2008.



The Honorable Bernard Zimmerman
United States Magistrate Judge
Northern District of California
San Francisco, California